

U.S. DISTRICT COURT
UNITED STATES DISTRICT COURT - WI
EASTERN DISTRICT OF WISCONSIN

2015 MAY 12 P 5:26

UNITED STATES OF AMERICA,

JON W. SANFILIPPO
CLERK

Plaintiff,

v.

Case No. 97-CR-98

RANDY M. YAGER, aka "Mad,"

Defendant.

SECOND SUPERSEDING INDICTMENT

THE GRAND JURY CHARGES:

Allegations common to all counts

1. Except as otherwise indicated, at all times material to this indictment:
 - a. The American Outlaw Association, better known and hereinafter referred to as the Outlaws Motorcycle Club ("OMC"), was an international organization which engaged in, and the activities of which affected, interstate and foreign commerce.
 - b. Within the United States, the Outlaws Motorcycle Club was composed of individual chapters located in various cities throughout the country. Each chapter had a president, vice president, treasurer, and enforcer, as well as general members.

- c. Outlaws Motorcycle Club chapters were grouped into color-coded geographic regions (White, Blue, Orange and Gray), each headed by a regional president or boss. The regions and each of the chapters therein fell under the authority of the national president who, during the time period covered by this indictment, was Harry Bowman, aka "Taco."
- d. The White Region, sometimes referred to as the "Chicago Region," covered portions of the Midwest and included chapters located in Milwaukee, Wisconsin; Janesville, Wisconsin; LaCrosse, Wisconsin; Chicago, Illinois; Joliet, Illinois; Gary, Indiana; and for a time, Indianapolis, Indiana; and Peoria, Illinois.
- e. Membership in the Outlaws Motorcycle Club was limited to males and was the result of a controlled process that included a probationary period and ended with a vote by the full chapter membership.
- f. Members were expected to abide by a written code; to follow the directives of their chapter, regional and national bosses; to attend weekly chapter meetings, known as "church"; to pay dues; and to attend chapter, regional and national events, known as "runs."
- g. Violations of these expectations could result in fines, expulsion, another probationary period, or physical violence.
- h. The vestments, or "colors," of full club membership included a leather or denim vest with a back patch bearing the club emblem of skull with crossed pistons, surrounded by a top "rocker" with the word "Outlaws" and a bottom "rocker" identifying the member's chapter location.

The Enterprise

2. The White Region of the Outlaws Motorcycle Club, including its leadership, membership, and associates, constituted an "enterprise," as defined by Title 18, United States Code, Sections 1961(4)(hereinafter the enterprise), that is a group of individuals associated in fact that was engaged in, and its activities affected, interstate commerce. The enterprise constituted an ongoing organization whose members functioned as a continuing unit for a common purpose of achieving the objectives of the enterprise.

3. At all times relevant to this indictment, **Randy M. Yager, aka "Mad,"** and others known and unknown, were leaders, members, and associates of the enterprise, which functioned as a criminal organization.

4. From approximately June 25, 1994, until approximately June 10, 1997, **Randy M. Yager, aka "Mad,"** acted as the president or boss of the White Region, and in that capacity, he directed and oversaw the racketeering acts alleged in this indictment, including activity in the Eastern District of Wisconsin.

Objects and Purposes

5. It was an object and purpose of the enterprise:
 - a. to protect and defend its Region, and to assist other Outlaws to protect and defend their Regions, that is, the geographical territory that the Outlaws Motorcycle Club leaders and members deemed to be within OMC control;
 - b. to dictate and control the activities of other motorcycle clubs that existed within its Region; and
 - c. to maintain the allegiance and loyalty of the OMC members, regardless of federal or state laws or social norms.

Means and Methods

6. To accomplish these and other objects and purposes of the enterprise, the defendant, **Randy M. Yager, aka "Mad,"** and others known and unknown, used the following means and methods, among others:

- a. Acts involving violence and intimidation, including assaults on the persons and property of rival biker gang members including members of the Hells Angels Motorcycle Clubs and other motorcycle clubs allied with the Hells Angels such as the Hells Henchmen and the Invaders. Such assaults included, but were not limited to, murder, arson, and causing damage by explosives.
- b. Acts involving violence and intimidation, including assaults on the persons and property of owners, managers, employees, and customers of businesses frequented by members of rival biker gangs, including the Hells Angels Motorcycle Club and other motorcycle clubs allied with the Hells Angels, such as the Hells Henchmen and the Invaders.
- c. Acts involving violence and intimidation, including assaults on persons who were members of the OMC's own organization who were perceived as disloyal to the enterprise or cooperating with law enforcement. Such assaults ranged from beatings that caused physical injury to murder.

THE GRAND JURY FURTHER CHARGES:

COUNT ONE

The Racketeering Violation

7. Between on or about January 1, 1990, the exact date unknown, and on or about June 10, 1997, in the Eastern District of Wisconsin and elsewhere, the defendant,

RANDY M. YAGER, aka "Mad,"

and others, being persons employed by and associated with the enterprise, that is, the White Region of the Outlaws Motorcycle Club, as described above, which was an enterprise engaged in, and the activities of which affected, interstate and foreign commerce, knowingly, willfully, and unlawfully conducted and participated, directly and indirectly, in the conduct of the affairs of the enterprise through a pattern of racketeering activity as those terms are defined in Title 18, United States Code, Section 1961(1) and (5), to wit: through the commission of Racketeering Acts 1 through 8, as set forth below.

The Pattern of Racketeering

8. The pattern of racketeering activity as defined in Title 18, United States Code, Section 1961(1) and (5) consisted of the following acts:

Racketeering Act # 1

9. On or about June 26, 1994, in Lake County, in the Northern District of Indiana and elsewhere,

RANDY M. YAGER, aka "Mad,"

and other members and associates of the White Region of the Outlaws Motorcycle Club, including, but not limited to, members from the Milwaukee, Chicago, Wisconsin/Stateline, and Gary Outlaws chapters, committed an act involving murder, that is, knowingly and intentionally

combined, conspired, confederated and agreed among themselves and with others known and unknown, to kill members of rival biker clubs, and in furtherance thereof, one or more of the conspirators traveled to a speedway in Lake County, Indiana, while armed with dangerous weapons, to confront members of rival biker clubs, in violation of Sections 35-42-1-1, 35-41-5-2, and 35-41-2-4 of the Indiana Statutes.

Racketeering Act # 2

10. On or about the dates set forth below, the defendant,

RANDY M. YAGER, aka "Mad,"

and other members and associates of the White Region of the Outlaws Motorcycle Club committed the following acts involving arson, either of which alone constitutes the commission of racketeering act #2:

a. Between on or about a date in July or August 1994, the exact date being unknown, and August 31, 1994, in the Northern District of Indiana and elsewhere, **Randy M. Yager, aka "Mad,"** and other members and associates of the White Region of the Outlaws Motorcycle Club knowingly and intentionally combined, conspired, confederated, and agreed among themselves and with others known and unknown, to knowingly and intentionally damage, by means of fire and destructive device, a dwelling belonging to the Hells Henchmen Motorcycle Club, under circumstances that endangered human life. In furtherance thereof, one or more of the White Region Outlaws members outfitted a stolen car with a container of flammable fuel to be used as a torch, all in violation of

Sections 35-43-1-1(a)(1) & (2), 35-41-5-2 and 35-41-2-4 of the Indiana Statutes.

b. On or about August 31, 1994, in the Northern District of Indiana and elsewhere, **Randy M. Yager, aka "Mad,"** and other members and associates of the White Region of the Outlaws Motorcycle Club, knowingly and intentionally damaged, by means of fire and destructive device, a dwelling belonging to the Hells Henchmen Motorcycle Club, under circumstances that endangered human life, in violation of Sections 35-43-1-1(a)(2) and 35-41-2-4 of the Indiana Statutes.

Racketeering Act #3

11. On or about the dates set forth below, the defendant,

RANDY M. YAGER, aka "Mad,"

and other members and associates of the White Region of the Outlaws Motorcycle Club, including but not limited to members from the Milwaukee, Chicago, Joliet, Wisconsin/Stateline and Gary Outlaws chapters, committed the following acts involving murder, either of which alone constitutes the commission of racketeering act #3:

a. Between on or about September 20, 1994, the exact date being unknown, and on or about September 25, 1994, in the Western District of New York and elsewhere, the defendant, **Randy M. Yager, aka "Mad,"** and other members and associates of the White Region of the Outlaws Motorcycle Club, committed an act involving murder, that is, knowingly and intentionally combined, conspired, confederated and agreed with others known and unknown, to kill members of the Hells Angels Motorcycle

Club. In furtherance thereof, one or more of the conspirators did travel to Erie County, New York, while armed with dangerous weapons, to confront and kill members of the Hells Angels Motorcycle Club, in violation of Sections 125.25 and 105.15 of the Penal Laws of the State of New York.

- b. On or about September 25, 1994, in the Western District of New York and elsewhere, the defendant, **Randy M. Yager, aka "Mad,"** and other members and associates of the White Region of the Outlaws Motorcycle Club, committed an act involving murder, that is under circumstances evincing a depraved indifference to human life, engaged in conduct which created a grave risk of death to Michael Quale, and thereby caused the death of Michael Quale, in violation of Sections 125.25(2) and 20.00 of the Penal Statutes of New York.

Racketeering Act #4

12. On or about the dates set forth below, the defendant,

RANDY M. YAGER, aka "Mad,"

and other members and associates of the White Region of the Outlaws Motorcycle Club, including, but not limited to members from the Milwaukee, Chicago, and Wisconsin/Stateline Outlaws chapters, committed the following acts involving murder and arson, any of which alone constitutes the commission of racketeering act #4:

- a. Between on or about a date in September, 1994, the exact date being unknown, and on or about October 12, 1994, in Winnebago County in the Northern District of Illinois, the defendant, **Randy M. Yager, aka**

“**Mad**,” and other members of the White Region of the Outlaws Motorcycle Club, committed an act involving murder, that is, knowingly and intentionally combined, conspired, confederated and agreed with each other and others, known and unknown, to kill, without lawful justification, Roger Fiebrantz. In furtherance thereof, one or more of the conspirators placed an explosive device on a vehicle owned and operated by Roger Fiebrantz, in violation of Chapter 720, Sections 5/9-1(a)(1), 5/8-2(a) and 5/5-1 of the Illinois Statutes.

- b. Between on or about a date in September, 1994, the exact date being unknown, and on or about October 12, 1994, in Winnebago County in the Northern District of Illinois, the defendant, **Randy M. Yager**, aka “**Mad**,” and other members and associates of the White Region of the Outlaws Motorcycle Club, committed an act involving murder, that is, without lawful justification, knowingly and intentionally attempted to kill Roger Fiebrantz, a human being, in violation of Chapter 720, Sections 5/9-1(a)(1), 5/8-4(a), and 5/5-1 of the Illinois Statutes.
- c. On or about October 12, 1994, in Winnebago County in the Northern District of Illinois, the defendant, **Randy M. Yager**, aka “**Mad**,” and other members and associates of the Outlaws Motorcycle Club, committed an act involving arson, that is by means of an explosive, knowingly damaged, without consent, personal property having a value of \$150.00 or more, in violation of Chapter 720, Sections 5/20-1(a) and 5/5-1 of the Illinois Statutes.

Racketeering Act # 5

13. On or about the dates set forth below, the defendant,

RANDY M. YAGER, aka "Mad,"

and other members of the White Region of the Outlaws Motorcycle Club, including members from the Milwaukee, Chicago, and Wisconsin/Stateline Chapters, committed the following acts involving murder and arson, any one of which alone constitutes racketeering act # 5:

- a. Between on or about a date in approximately August or September 1994, the exact date being unknown and on or about November 7, 1994, in Winnebago County, in the Northern District of Illinois, **Randy M. Yager, aka "Mad,"** and other members and associates of the Outlaws Motorcycle Club, did commit an act involving murder, that is, knowingly and intentionally combined, conspired, confederated and agreed among themselves and with others known and unknown, to kill, without lawful justification, Michael Coyne, and in furtherance thereof, one or more of the conspirators placed an explosive device in a vehicle owned and operated by Michael Coyne, in violation of Chapter 720, Sections 5/9-1(a), 5/8-2(a) and 5/5-1 of the Illinois Statutes.
- b. Between a date in approximately August or September 1994, the exact date being unknown, and approximately November 7, 1994, in Winnebago County, in the Northern District of Illinois, the defendant, **Randy M. Yager, aka "Mad,"** and other members and associates of the Outlaws Motorcycle Club, committed an act involving murder, that is, without lawful justification, knowingly and intentionally attempted to kill Michael

Coyne, a human being, in violation of Chapter 720, Sections 5/9-1(a), 5/8-4(a) and 5/5-1 of the Illinois Statutes.

c. On or about November 7, 1994 in Winnebago County, in the Northern District of Illinois, the defendant, **Randy M. Yager, aka "Mad,"** and others, did commit an act involving arson, that is by means of an explosive, did knowingly damage, without consent, personal property having a value of \$150.00 or more, in violation of Chapter 720, Sections 5/20-1(a) and 5/5-1 of the Illinois Statutes.

Racketeering Act # 6

14. On or about the dates set forth below, the defendant,

RANDY M. YAGER, aka "Mad,"

and other members of the White Region of the Outlaws Motorcycle Club, including members of the Milwaukee, Chicago, Gary and Wisconsin/Stateline chapters, committed the following acts involving murder and arson, any one of which alone constitutes racketeering act # 6:

a. Between a date in approximately August or September 1994, the exact date being unknown, and on or about November 7, 1994, in Cook County, in the Northern District of Illinois, the defendant, **Randy M. Yager, aka "Mad,"** and other members and associates of the White Region of the Outlaws Motorcycle Club committed an act involving murder, that is, they knowingly and intentionally combined, conspired, confederated, and agreed among themselves and with others known and unknown to commit murder, and in furtherance thereof, one or more of the conspirators did place and detonate an explosive device, adjacent to the Hells Henchmen

clubhouse, in violation of Chapter 720, Sections 5/9-1, 5/8-2(a) and 5/5-1 of the Illinois Statutes.

b. On or about November 7, 1994, in Cook County, Northern District of Illinois, the defendant, **Randy M. Yager, aka "Mad,"** and other members and associates of the Outlaw Motorcycle Club, committed an act involving arson, that is by means of an explosive, knowingly damaged, without consent, real property, in violation of Chapter 720, Sections 5/20-1(a) and 5/5-1 of the Illinois Statutes.

Racketeering Act #7

15. On or about the date set forth below,

RANDY M. YAGER, aka "Mad,"

and other members and associates of the White Region of the Outlaws Motorcycle Club, committed the following acts involving murder, any one of which alone constitutes racketeering act # 7:

a. On or about January 28, 1995, in the Northern District of Indiana, and elsewhere, the defendant **Randy M. Yager, aka "Mad,"** and other members and associates of the White Region of the Outlaws Motorcycle Club, committed an act involving murder, that is, knowingly and intentionally combined, conspired, confederated, and agreed among themselves and with others to knowingly and intentionally kill Donald Fogg, and in furtherance thereof, one or more conspirators lured Donald Fogg to an isolated location, in violation of Sections 35-42-1-1, 35-41-5-2, and 35-41-2-4 of the Indiana Statutes.

b. On or about January 28, 1995, in the Northern District of Indiana, the defendant, **Randy M. Yager, aka "Mad,"** and other members of the White Region of the Outlaws Motorcycle Club, committed an act involving murder, that is knowingly and intentionally killed Donald Fogg, in violation of Sections 35-42-1-1 and 35-41-2-4 of the Indiana Statutes. The murder was committed after the defendant, **Randy M. Yager, aka "Mad,"** had committed another murder.

Racketeering Act # 8

16. On or about the dates set forth below, the defendant,

RANDY M. YAGER, aka "Mad,"

and other members and associates of the White Region of the Outlaws Motorcycle Club, including members of the Chicago, Joliet, and Wisconsin/Stateline chapters, committed the following acts involving murder, any one of which alone constitutes racketeering act # 8:

a. Between on or about a date in January 1995, the exact date being unknown, and on or about March 6, 1995, in Cook County, Northern District of Illinois, the defendant **Randy M. Yager, aka "Mad,"** and other members and associates of the White Region of the Outlaws Motorcycle Club, intentionally combined, conspired, confederated, and agreed among themselves, and with others known and unknown, to kill, without lawful justification, members of a rival biker gang, and in furtherance thereof, one or more of said conspirators did conduct surveillance on the activities of Jack Castle in preparation for the intended

killing, in violation of Chapter 720, Sections 5/9-1(a), 5/8-2(a) ad 5/5-1 of the Illinois Statutes.

- b. On or about March 3, 1995, in Cook County, Northern District of Illinois, the defendant, **Randy M. Yager, aka "Mad,"** and other members and associates of the White Region of the Outlaws Motorcycle Club, without lawful justification, knowingly and intentionally killed Jack Castle, a human being, in violation of Chapter 720, Sections 5/9-1(a) and 5/5-1 of the Illinois Statutes. The murder was committed in a cold, calculated and premeditated manner pursuant to a preconceived plan, scheme and design to take human life by unlawful means and the conduct of the defendant created a reasonable expectation that the death of a human being would result therefrom.

All in violation of Title 18, United States Code, Section 1962(c).

THE GRAND JURY FURTHER CHARGES:

COUNT TWO

The Racketeering Conspiracy

17. The allegations set forth in Count One of this indictment are realleged and incorporated by reference as if fully set forth herein.

18. Between on or about January 1, 1990, the exact date being unknown, and on or about June 10, 1997, in the Eastern District of Wisconsin and elsewhere, the defendant,

RANDY M. YAGER, aka "Mad,"

and others, being persons employed by and associated with the enterprise described in paragraphs 1 and 2 above, that is, the White Region of the Outlaws Motorcycle Club, knowingly, willfully and unlawfully combined, conspired, confederated, and agreed among themselves and with others known and unknown, to commit an offense against the United States, to wit: to violate Title 18, United States Code, Section 1962(c), that is, to conduct and participate, directly and indirectly, in the conduct of the affairs of the enterprise, which was engaged in, and the activities of which, affected interstate commerce, through a pattern of racketeering activity, as those terms are defined in Title 18, United States Code, Section 1961(1) and (5).

19. The pattern of racketeering activity through which the defendant agreed to conduct the affairs of the enterprise consisted of the acts set forth in Count One of this indictment, which are realleged and incorporated by reference as if fully set forth herein.

20. It was further part of the conspiracy that the defendant agreed that a conspirator would commit at least two acts of racketeering activity in the conduct of the affairs of the enterprise.

All in violation of Title 18, United States Code, Section 1962(d).

A TRUE BILL:


FOREPERSON

5-12-2015
DATE


JAMES L. SANTELLE
United States Attorney